

EXHIBIT C

**[TO DECLARATION OF KYLE SMITH
REGARDING SERVICE OF ORDER
RE WITHDRAWAL OF COUNSEL]**

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

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TORONTO
WILMINGTON

October 2, 2024

VIA MDL CENTRALITY, CERTIFIED MAIL, AND EMAIL

Re: MDL 3084 – Order re Withdrawal of Counsel in Case No. 3:24-cv-02840-CRB, MDLC ID 1343

Dear K.H.,

We write on behalf of our client, Uber Technologies Inc. (“Uber”), regarding *Z.W. v. Uber Technologies, Inc., et al.*, No. 3:24-cv-02840-CRB, MDLC ID 1343, which you filed in *In re Uber Technologies, Inc. Passenger Sexual Assault Litigation*, 3:23-md-03084-CRB (“the MDL”). On July 24, 2024, Potter Handy, LLP moved to withdraw its representation of you on the grounds that you “refuse[] to respond to any form of correspondence.” *K.H.*, No. 3:24-cv-02840-CRB, ECF 7 at 2 (Exhibit 1). On September 26, 2024, the Court granted that motion. *S.A.*, No. 3:24-cv-02840-CRB, ECF 9 at 1 (Exhibit 2). It is our understanding that you have not found replacement counsel and are no longer represented by an attorney. If that understanding is incorrect, please provide this communication to your attorney, and have your attorney contact us via the information provided above or below as soon as possible.

The Court’s Order states that “Within 28 days of this order, each plaintiff shall file a notice indicating whether they intend to pursue the action with new counsel or representing themselves. If any plaintiff does not file that notice, the Court will dismiss their case without prejudice.” Exhibit 2 at 1. The Court also ordered Uber’s counsel to “provide a copy of this order to the plaintiffs.” *Id.* The Court’s Order is attached to this correspondence as Exhibit 2. Per this Order, you must “file a notice indicating whether [you] intend to pursue the action with new counsel or representing [yourself]” within 28 days of September 26, 2024, i.e. by Thursday, October 24, 2024, or else “the Court will dismiss [your] case without prejudice.”

We ask that you please email us confirmation of your receipt of this letter, via email to ksmith@paulweiss.com and lmurray@paulweiss.com, at your earliest opportunity. If you would like to discuss the letter’s contents further, please let us know, and we would be happy to organize a meet and confer.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

K.H.

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Sincerely,

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: /s/ Kyle Smith

Kyle Smith
2001 K Street, NW
Washington, DC 20006
(202) 223-7407
ksmith@paulweiss.com

EXHIBIT 1

Mark Potter, Esq., SBN 166317
Sarah Anastasi, Esq., SBN 322091
100 Pine St., Ste 1250
San Francisco, CA 94111
(858) 375-7385; (888) 422-5191 fax
RSAssaults@potterhandy.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K.H., an individual

Plaintiff,

v.

Uber Technologies Inc., et al.,

Defendants

)
) Case No.: 3:24-cv-02840-CRB
)

) **PLAINTIFFS' NOTICE OF MOTION AND MOTION**
) **TO WITHDRAW AS COUNSEL; DECLARATION OF**
) **SARAH ANASTASI IN SUPPORT OF MOTION;**
) **AND [PROPOSED] ORDER**
)

) Date: September 27, 2024
) Time: 10:00 AM
) Courtroom 6
) Judge: Honorable Charles R. Breyer

MDL Related Case: 3:23-md-03084-CRB

PLEASE TAKE NOTICE that on the aforementioned date, time, and location or as soon thereafter as the matter may be heard, Counsel will hereby move this Court for an order granting the firm withdraw as representation for Plaintiff. This motion is made pursuant to Civil Local Rule 11-5 and is based on this Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Sarah Anastasi in Support of the Motion, the proposed order filed herewith, and on any additional material that may be elicited at the hearing of the motion.

Dated: July 23, 2024

Respectfully submitted,

By: /s/ Sarah Anastasi

Sarah Anastasi, Esq.
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction and Statement of Facts

Potter Handy, LLP (hereinafter referred to as "Attorney"), was retained by Plaintiff, K.H., to prosecute an action against the Defendants for a rideshare assault claim. (See Dec. ¶13) Irreconcilable differences have arisen between Attorney and the Plaintiff. The Plaintiff refuses to cooperate with counsel in either the prosecution or the settlement of this case. Plaintiff refuses to respond to any form of correspondence.

II. No Delay or Prejudice will be Caused by Relieving Counsel

According to Civil Local Rule 11-5, "[c]ounsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case." The decision to grant or deny an attorney's motion to withdraw as counsel is committed to the sound discretion of the trial court. *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998).

As detailed above, Attorney and Plaintiff have irreconcilable differences concerning this case. In fact, there is no longer any kind of relationship existing. (See Dec. ¶14) Good cause, therefore, exists for allowing Attorney to withdraw as Attorney of Record for the Plaintiff.

No trial date is set, giving Plaintiff time to find new counsel. No delay or prejudice shall result from Attorney being allowed to withdraw as Plaintiff's counsel. (See Dec. ¶15)

III. Conclusion

Attorney respectfully submits to this Honorable Court that good cause exists to allow Attorney to withdraw as counsel of record for Plaintiff, K.H.. There are irreconcilable differences between Plaintiff and Attorney as to how to prosecute this case and to attempt settlement.

Attorney respectfully requests, therefore, that this Honorable Court grant this Motion and allow Attorney to withdraw as counsel of record for Plaintiff, K.H..

Dated: July 23, 2024

Respectfully submitted,

By: /s/ Sarah Anastasi

Sarah Anastasi, Esq.

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K.H., an individual

Plaintiff,

v.

Uber Technologies Inc., et al.,

Defendants

) Case No.: 3:24-cv-02840-CRB

) **DECLARATION OF SARAH ANASTASI IN**
) **SUPPORT OF MOTION TO WITHDRAW**

) Date: September 27, 2024

) Time: 10:00 AM

) Courtroom 6

) Judge: Honorable Charles R. Breyer

) **MDL Related Case: 3:23-md-03084-CRB**

1. I, the undersigned, am an attorney licensed to practice law by the State bar of California and admitted to the Central District of California. I am the one of the attorneys of record from Potter Handy, LLP, which represents Plaintiff, K.H., and, in that capacity, I am familiar with this matter.

2. I make this declaration based upon my personal knowledge and belief and if called to testify regarding these matters before this Court, would do so.

3. Potter Handy was retained by Plaintiff, K.H., to prosecute an action against the Defendants for a rideshare assault claim.

4. Potter Handy, LLP and Plaintiff have since developed irreconcilable differences. To preserve the attorney-client relationship, the undersigned cannot detail the substance of those differences. However, Plaintiff has refused to cooperate with Potter Handy LLP in the prosecution and/or settlement of this case, as they have refused to respond to any type correspondence.

5. If this motion is granted and Potter Handy LLP is allowed to withdraw as counsel of record for the Plaintiff, K.H., the Plaintiff will have ample time to retain new counsel to prosecute this matter and take it to trial, as the trial is not yet scheduled to commence.

1 **6.** The undersigned's Motion To Withdraw As Counsel, with the Memorandum of Points and
2 Authorities, this declaration and the proposed Order, have been served on K.H. by first-class mail,
3 postage prepaid, at their home address.

4 I declare under penalty of perjury under the laws of the State of California and the United
5 States of America that the foregoing is true and correct

6
7 Dated: July 23, 2024

Respectfully submitted,

8 By: /s/ Sarah Anastasi

9 Sarah Anastasi, Esq.

10 Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K.H., an individual

Plaintiff,

v.

Uber Technologies Inc., et al.,

Defendants

Case No.: 3:24-cv-02840-CRB

[PROPOSED ORDER]

MDL Related Case: 3:23-md-03084-CRB

Having considered the Motion of Potter Handy, LLP to withdraw as attorneys of record for Plaintiff, K.H., and any and all papers filed in opposition to such Motion, and finding good cause for the motion: the Motion of the Potter Handy, LLP to withdraw as Counsel for Plaintiff, K.H., is granted.

IT IS SO ORDERED.

Dated _____

UNITED STATES DISTRICT COURT JUDGE

Submitted By:

Potter Handy, LLP

Mark Potter, Esq., SBN 166317

Sarah Anastasi, Esq., SBN 322091

100 Pine St., Ste 1250

San Francisco, CA 94111

(858) 375-7385; (888) 422-5191 fax

RSAssaults@potterhandy.com

PROOF OF SERVICE

K.H. v. Uber Technologies Inc., et al.
(3:24-cv-02840-CRB)

I, the undersigned, am over the age of eighteen years and am resident of Friendswood, Texas; I am not a party to the above-entitled action; My business address is 100 Pine St Ste 1250 San Francisco, CA 94111

On July 24, 2024 I served the following document(s):

- **Plaintiff's Notice of Motion and Motion to Withdraw as Counsel; and Declaration of Sarah Anastasi in Support of Motion;**
- **[Proposed] Order**

Addressed to:

KEAISHA HUFF
700 Truman Ave,
Pensacola, FL 32505
Plaintiff

- ☒ **BY MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Friendswood, Texas.

Executed on July 24, 2024, from Friendswood, Texas.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Sarah Marcus

EXHIBIT 2

United States District Court
Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084

**ORDER RE MOTIONS TO
WITHDRAW**

Re: Dkt. Nos. 1672, 1673, 1674

This Order Relates To:

S.A. v. Uber Technologies, Inc.,
Case No. 3:24-cv-02845-CRB

Z.W. v. Uber Technologies, Inc.,
Case No. 3:24-cv-02844-CRB

K.H. v. Uber Technologies, Inc.,
Case No. 3:24-cv-02840-CRB

The above captioned motions to withdraw are granted. Within 28 days of this order, each plaintiff shall file a notice indicating whether they intend to pursue the action with new counsel or representing themselves. If any plaintiff does not file that notice, the Court will dismiss their case without prejudice.

Uber's counsel shall provide a copy of this order to the plaintiffs and file a declaration within 7 days of this ruling explaining how they did so.

IT IS SO ORDERED.

Dated: September 26, 2024



CHARLES R. BREYER
United States District Judge